

REMARKS/ARGUMENTS

In an Advisory Action mailed July 18, 2006, the Examiner indicated that Applicant's amendment in an after-final reply filed June 27, 2006 would be entered; however, that Applicant's affidavit filed of even date with the after-final reply would not be entered. Applicant therefore requests that Applicant's previously filed after-final amendment dated June 27, 2006 be entered along with this RCE and along with this new amendment herein. This amendment accompanying a Request for Continued Examination, addresses the rejections of the Office Action dated April 20, 2006.

With this amendment, claims 1-20 and 31 -52 remain pending in this application. Claims 1,4, and 11-20 were amended, claims 21-30 were cancelled without prejudice, claims 2,3, and 5-10 remain unchanged, and new claims 31-52 were added.

Rejection of Claims 1-30 under 35 U.S.C. 102(e) as being anticipated by Garahi et al (US 6754188):

The rejection of claims 21-30 under 35 U.S.C. 102(e) as being anticipated by Garahi et al (US 6754188) is moot in view of the cancellation of claims 21-30 without prejudice herein.

Applicant respectfully requests reconsideration of the rejection of Claims 1-30 under 35 U.S.C. 102(e) as being anticipated by Garahi et al (US 6754188) as herein amended.

Independent claims 1 and 11 have been amended to clarify Applicant's invention as including a comparison of routing strategy data contained within a received data packet with one or more routing information stored within a node, selecting a routing for the data packet based on the comparison, and updating the routing strategy data in the data packet. Support for this amendment can be found in paragraph's [0035] and [0036] of Applicant's original filed invention.

Applicant respectfully submits that the invention as claimed in amended claims 1 and 11 is not anticipated by Garahi et al (US 6754188). Specifically, Garahi et al (US 6754188) uses the contents of the user data packet (the payload) to determine routing. That is if this is a voice payload, a data payload or a video payload we may route differently. Garahi et al (US 6754188) does not anticipate a routing strategy being created at each node from which the data packet is routed. The subsequent nodes read the suggestion and either act upon it or modify it and then

act accordingly. Each node has a view of the network and thus how it would route a packet. The next node has a different view (which may be better or worse) if better it updates the strategy if worse it uses what it was given. Applicant therefore respectfully submits that claims 1 and 11 are in proper condition for allowance and request that claims 1 and 11 may now be passed to allowance.

Applicant respectfully requests reconsideration of the rejection of claims 2-10, and 12-20 as herein amended. Claims 2-10 and 12-20 contain further limitations of the now believed to be allowable amended claims 1 and 11 respectively. Applicant therefore respectfully submits that claims 2-10 and 12-20 are in proper condition for allowance and request that claims 2-10 and 12-20 may now be passed to allowance.

New Claims:

Applicants have herein added new claims 31-52. Support for claims 31-52 can be found in Applicant's originally filed specification as follows:

Claims 31 and 42 – paragraphs [0030], [0035], [0036]

Claims 32,34,36,43, 45, and 47 – paragraph [0030]

Claims 33, 37, 44, and 48 – paragraph [0029]

Claims 35 and 46 – paragraph [0036]

Claims 38 and 49 – paragraph [0035]

Claims 39, 40, 50, and 51 – paragraph [0025]

Claims 41, and 52 – paragraph [0039]

Consequently, claims 31-52 do not introduce any new matter into the specification. Applicant respectfully submits that claims 31-52 recite patentable subject matter, and therefore respectfully submits that claims 31-52 are in proper condition for allowance and request that claims 31-52 may now be passed to allowance.

For the foregoing reasons, applicants respectfully request that the above rejections be withdrawn.

Inasmuch as this amendment distinguishes all of the applicants' claims over the prior art references, for the many reasons indicated above, passing of this case is now believed to be in order. A Notice of Allowance is earnestly solicited.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

If the Examiner believes that there are any informalities which can be corrected by Examiner's amendment, or in the event that the Examiner deems the present application non-allowable, a telephone call to the undersigned at (954) 723-6449 is respectfully solicited.

Authorization is hereby given to charge any fees, or credit overpayment necessitated by actions taken herein to Deposit Account 50-2117.

Respectfully submitted,

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